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RECEIVED  
MAY 19 2025  
CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF MINNESOTA

12 Steve Salvador Ybarra  
13 Self-Represented  
14 Pro Se Litigant,

15 Plaintiff,

16 v.

17 Legal Assistance of Dakota County;  
18 Sharon Jones Esq., in her Individual  
19 and  
20 Official capacities;  
21 Hon. David Lutz, in his individual  
22 and  
23 Official capacities;  
24 Hon. Tanya Obrien, in her individual  
25 and official capacities;  
26 Hon. Danna L Edwards, in her  
27 individual and official capacities;  
28 Lydia Clemens, in her individual and  
official capacities;  
Michelle Cathleen Ybarra,  
Attorney General Keith Ellison, in his  
individual and  
Official capacities;  
Assistant Attorney General Jeff  
Timmerman, in his individual and  
Official capacities;

Defendants.

No. . 0:25-cv-01948-KMM-DJF

**FIRST AMENDED COMPLAINT FOR  
CONSTITUTIONAL VIOLATIONS  
UNDER 42 U.S.C. §§ 1983, 1985(2),  
1986 AND CIVIL RICO,**

**SEEKING DECLARATORY RELIEF,  
INJUNCTIVE RELIEF, DAMAGES,  
AND FEDERAL OVERSIGHT**

SCANNED  
MAY 19 2025  
U.S. DISTRICT COURT MPLS

1 PRELIMINARY STATEMENT

2  
3 This case concerns the ongoing defense of sealed procedural fraud by  
4 the Minnesota Attorney General's Office. When public officials knowingly  
5 suppress discovery, defend perjury, and use judicial affiliation to retaliate  
6 against federal pleadings, they do not preserve the rule of law—they invert it.

7  
8 JURISDICTION AND VENUE

9  
10 This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)  
11 because this action arises under federal law, including 42 U.S.C. §§ 1983,  
12 1985(2), 1986, and 18 U.S.C. § 1962(d). Declaratory and injunctive relief are  
13 authorized by 28 U.S.C. §§ 2201–2202. Jurisdiction also lies under 18 U.S.C. §  
14 1964(c) for civil RICO claims.

15  
16 Venue is proper under 28 U.S.C. § 1391(b) because the acts and omissions  
17 giving rise to this complaint occurred in the District of Minnesota, where  
18 Plaintiff resides and where Defendants acted under color of law.

19  
20 Plaintiff Steve Salvador Ybarra hereby amends the original complaint filed  
21 April 30, 2025, pursuant to Rule 15(a)(1)(A) of the Federal Rules of Civil  
22 Procedure, to include Assistant Attorney General Jeff Timmerman and  
23 Minnesota Attorney General Keith Ellison as named defendants in their  
24 individual and official capacities.

25  
26 **Assistant Attorney General Jeff Timmerman** is hereby named in his  
27 individual and official capacities based on his ongoing participation in a  
28 litigation defense strategy that materially conceals past misconduct in which

1 he, as a former Dakota County official (2014–2022), had direct institutional  
2 involvement. Despite receiving formal Rule 11 notice 5.16.2025, sealed  
3 affidavit timelines, CPS reversal letters, GAL-email contamination, and  
4 documented courtroom mockery of federal claims, Mr. Timmerman neither  
5 disclosed his prior affiliations nor recused his office. Instead, he has  
6 weaponized procedural filings to shield known acts of sealed fraud,  
7 evidentiary suppression, and retaliatory judicial conduct—constituting active  
8 participation in a racketeering enterprise under 18 U.S.C. § 1962(d).

9  
10 **Attorney General Keith Ellison**, as the constitutional and supervisory  
11 head of the Minnesota Attorney General’s Office, is now factually and  
12 constructively on notice of the enterprise-level misconduct detailed herein.  
13 Despite the gravity of these allegations—many of which involve judicial  
14 actors, Legal Aid officials, and systemic misuse of sealed court processes—Mr.  
15 Ellison has taken no remedial or oversight action. His continued authorization  
16 of state resources to defend sealed fraud, suppress discovery, and target a pro  
17 se litigant asserting parental rights constitutes executive complicity under  
18 color of law.

## 19 20 **FACTUAL BACKGROUND**

21 1. Plaintiff is a pro se litigant and father who, from 2024 to 2025, has  
22 sought to assert parental rights and expose procedural fraud in Dakota  
23 County, Minnesota. His efforts have been met with sealed affidavits, judicial  
24 suppression, mockery, and procedural sabotage by state and quasi-state  
25 actors.

26  
27 2. On April 2, 2024, the Dakota County District Court denied a fee  
28 waiver for Michelle Cathleen Ybarra based on income exceeding eligibility

1 thresholds. In 2025, sealed affidavits were submitted by Defendant Sharon  
2 Jones—attorney for Legal Assistance of Dakota County (“LADC”)—falsely  
3 asserting indigency in order to secure continued legal aid and fee waivers, in  
4 violation of prior judicial findings.

5  
6 3. Plaintiff served a Rule 11 safe harbor notice to Defendant Sharon  
7 Jones on May 5, 2025, identifying sealed affidavit fraud, ghostwriting, and  
8 intake concealment. On May 16, 2025, at 14:00, Plaintiff filed a Rule 11  
9 motion in federal court and concurrently emailed Assistant Attorney General  
10 Jeff Timmerman to raise concerns of ongoing litigation fraud. Rather than  
11 address the allegations or recusal issues, Mr. Timmerman responded  
12 dismissively: “I don’t believe a call would be productive. We will be filing our  
13 motion to dismiss Monday...”—a reply sent just minutes after Plaintiff’s  
14 filing, confirming receipt via CM/ECF and declining any engagement on the  
15 substance of the misconduct.. Although Plaintiff’s custody litigation began in  
16 2024, Mr. Timmerman previously served as Assistant County Attorney and  
17 Employee Relations Deputy Director for Dakota County from 2014 to 2022—a  
18 period during which the same institutional relationships, personnel, and  
19 protective practices now under federal scrutiny were active. His subsequent  
20 entry as counsel in 2025, despite actual notice of these conflicts and ongoing  
21 fraud allegations, constitutes an affirmative choice to defend a structurally  
22 tainted system he formerly helped administer.

23  
24 4. From April through May 2025, Plaintiff filed over a dozen pleadings  
25 and evidentiary declarations—each served on the Minnesota Attorney  
26 General’s Office—detailing sealed affidavit fraud, retaliatory judicial conduct,  
27 and procedural suppression by state court actors. On May 16, 2025, after  
28 receiving a formal request to discuss ethical conflicts and discovery

1 concealment, Assistant Attorney General Jeff Timmerman responded: “*I don’t*  
2 *believe a call would be productive. We will be filing our motion to dismiss*  
3 *Monday...*” Rather than engage, investigate, or address the disclosed  
4 improprieties, Mr. Timmerman confirmed the state’s intent to double down on  
5 sealed fraud defense. Despite constructive and actual notice, Attorney General  
6 Keith Ellison took no supervisory action to halt or disqualify conflicted  
7 representation, instead authorizing continued litigation by personnel with  
8 direct historical ties to the entities under federal scrutiny.

9  
10 This deliberate refusal to address known misconduct, once placed on record,  
11 transforms passive nonfeasance into active participation in a constitutional  
12 deprivation.

13  
14 See *Dennis v. Sparks*, 449 U.S. 24, 28–29 (1980) (private parties who conspire  
15 with judges or public officials under color of law to deprive civil rights are  
16 equally liable under § 1983). Even officials who did not originate the violation  
17 may be held liable where they “know of and acquiesce in” ongoing  
18 constitutional violations. *Gomez v. Toledo*, 446 U.S. 635, 640 (1980); *Doe v.*  
19 *Rains Cty. Indep. Sch. Dist.*, 66 F.3d 1402, 1412 (5th Cir. 1995).

20  
21 The failure to intervene, once on actual and constructive notice, constitutes  
22 deliberate indifference.

23 See *Farmer v. Brennan*, 511 U.S. 825, 842 (1994) (“deliberate indifference  
24 entails something more than mere negligence... it is the equivalent of  
25 recklessly disregarding a known risk”).

26  
27 Federal courts are not required to abstain in the face of bad-faith prosecutions  
28 or proceedings conducted in a systemically biased forum. See *Trainor v.*



1 Hernandez, 431 U.S. 434, 446 (1977) and Pulliam v. Allen, 466 U.S. 522, 536  
2 (1984) (abstention is inappropriate where litigants face irreparable harm from  
3 institutional bias or state procedures lacking neutrality).

4  
5 When a defendant chooses to proceed in defense of known fraud after  
6 receiving formal warning, that choice becomes an overt act in a civil rights  
7 conspiracy.

8 See Snell v. Tunnell, 920 F.2d 673, 701 (10th Cir. 1990); Caperton v. A.T.  
9 Massey Coal Co., 556 U.S. 868, 887 (2009) (Due Process requires recusal  
10 where past affiliations or structural entrenchment create a constitutionally  
11 intolerable risk of bias).

12  
13 This silence—and subsequent procedural aggression—constitutes executive-  
14 level ratification of sealed perjury, discovery obstruction, and retaliatory  
15 defense strategy in violation of 42 U.S.C. §§ 1983, 1985(2), and 1986.

16  
17 5. At no point has the Attorney General's Office acknowledged the  
18 sealed affidavit fraud, judicial bias, or the structural entrenchment exposed in  
19 Plaintiff's federal filings. Instead, through Assistant AG Timmerman, the  
20 state has adopted a litigation strategy that suppresses material discovery and  
21 shields prior misconduct under the guise of procedural formality.

22  
23 **SUMMARY OF ENTERPRISE PATTERN AND PROCEDURAL**  
24 **COLLUSION**

25  
26 A. Ghostwritten sealed affidavits submitted under Legal Aid authority

27 B. Judicial suppression of CPS recission emails contradicting supervision  
28 orders

1 C. GAL and Legal Aid collusion in report drafting and authorship  
 2 coordination

3 D. Structural conflict via former LADC official (Timmerman) now defending  
 4 fraud

5 E. Retaliatory contempt threats used to chill protected federal speech

6 F. Attorney General Keith Ellison's passive ratification of sealed fraud and  
 7 hostile judicial posture

### 8 9 **COUNT VI — VIOLATION OF 42 U.S.C. § 1983 (COLOR OF LAW)**

10 Defendants Keith Ellison and Jeff Timmerman, acting under color of state law  
 11 in their individual and official capacities, knowingly authorized and  
 12 perpetuated the defense of sealed fraud, judicial entrenchment, and  
 13 obstruction of discovery in a matter where they possessed actual and  
 14 constructive knowledge of constitutional violations.

15 The Eighth Circuit has long held that state officials who “fail to remedy  
 16 known constitutional violations when they had the power to do so” are not  
 17 shielded by qualified immunity. *Langford v. Norris*, 614 F.3d 445, 461 (8th  
 18 Cir. 2010). This extends to supervisory and legal actors who defend unlawful  
 19 conduct without correction. See *Young v. City of Little Rock*, 249 F.3d 730,  
 20 735 (8th Cir. 2001) (failure to intervene in rights deprivations after notice  
 21 creates liability under § 1983). Their actions deprived Plaintiff of access to an  
 22 impartial tribunal, due process of law, and the meaningful opportunity to be  
 23 heard—violating rights secured under the Fourteenth Amendment.

### 24 25 **COUNT VII — CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS,** 26 **42 U.S.C. § 1985(2)**

27 Defendants conspired to obstruct justice in a federal proceeding by (a)  
 28 defending knowingly false sealed affidavits, (b) refusing to unseal evidence of

1 fraud, (c) interfering with pro se litigation through procedural suppression,  
2 and (d) continuing representation by conflicted state counsel despite notice.  
3 These acts were calculated to intimidate and suppress Plaintiff's lawful  
4 attempts to obtain redress, in direct violation of § 1985(2).

5  
6 **COUNT VIII — FAILURE TO PREVENT CIVIL RIGHTS VIOLATIONS,**  
7 **42 U.S.C. § 1986**

8 Defendant Keith Ellison, having the statutory authority and supervisory  
9 capacity to prevent the ongoing deprivations detailed herein, failed to take  
10 any corrective action. Despite being on actual and constructive notice—via  
11 pleadings, service copies, and public record—he allowed state attorneys to  
12 persist in defending unconstitutional conduct. Such inaction violates § 1986  
13 and constitutes deliberate indifference to known rights violations.

14  
15 **COUNT IX – RACKETEERING CONSPIRACY UNDER 18 U.S.C. §**  
16 **1962(d)**

17  
18 (Plaintiff re-alleges and incorporates all preceding paragraphs.)

19  
20 Defendants Ellison and Timmerman knowingly conspired with Legal Aid  
21 counsel, judicial officers, and Guardian ad Litem agents to further a  
22 racketeering enterprise designed to obstruct justice, perpetuate sealed  
23 litigation fraud, and retaliate against Plaintiff's exercise of federal rights. The  
24 predicate acts under 18 U.S.C. § 1961(1) include:

25  
26 - Mail and wire fraud (18 U.S.C. §§ 1341, 1343): via submission and defense of  
27 sealed affidavits containing knowingly false income data in order to  
28 fraudulently obtain fee waivers and legal aid.



1 - Obstruction of justice (18 U.S.C. § 1503): through suppression of discovery,  
2 refusal to adjudicate Rule 60.02(d) motions, and sealing of income verification  
3 documents critical to Plaintiff's fraud claims.

4 - Honest services fraud (18 U.S.C. § 1346): by state-appointed legal actors and  
5 judicial personnel acting under color of law while suppressing known perjury  
6 and violating their fiduciary duties to the court and public.

7 - Witness retaliation (18 U.S.C. § 1512): by issuing contempt threats,  
8 dismissing federal pleadings as "theoretical," and attempting to chill  
9 Plaintiff's protected litigation speech.

10  
11 Civil RICO liability attaches to any person who knowingly agrees to further a  
12 pattern of racketeering activity, even if they did not personally commit the  
13 underlying acts. *Salinas v. United States*, 522 U.S. 52, 63–65 (1997); *United*  
14 *States v. Turkette*, 452 U.S. 576, 583 (1981). Nor is temporal distance a  
15 defense—liability attaches where the defendant joins or protects an ongoing  
16 enterprise. See *United States v. Gonzalez-Perez*, 870 F.3d 296, 305 (5th Cir.  
17 2017).

18  
19 RICO liability can attach to government actors who abuse administrative  
20 power to further the goals of a fraudulent enterprise, including misuse of  
21 sealed orders, suppression of evidence, or retaliation against whistleblowers.

22  
23 See *George v. Urban Settlement Servs.*, 833 F.3d 1242, 1251 (10th Cir. 2016).  
24 This pattern of conduct was executed by a defined enterprise: a network of  
25 Legal Aid attorneys, judicial officers with prior ties to Legal Aid (including  
26 Judge Lutz), Guardian ad Litem agents acting in procedural coordination, and  
27 executive defendants operating under the color and authority of the State of  
28 Minnesota. The objective was to insulate systemic fraud from review, discredit

1 Plaintiff's federal claims, and weaponize sealed court mechanisms to maintain  
2 control of a biased forum.

3  
4 As a direct result, Plaintiff has suffered emotional distress, deprivation of  
5 parental rights, denial of access to a neutral forum, and significant litigation  
6 harm.

7  
8  
9 **POLICY-LEVEL CONDONATION BY ATTORNEY GENERAL**  
10 **ELLISON**

11 Between April and May 2025, Plaintiff filed over a dozen pleadings detailing  
12 sealed affidavit abuse, procedural suppression, and GAL misconduct. All such  
13 documents were served on the Minnesota Attorney General's Office. At no  
14 point did Attorney General Ellison issue a directive to investigate, disqualify  
15 conflicted counsel, or suspend defense of known fraud. Instead, the AG's  
16 Office—through Assistant Attorney General Timmerman—doubled down on  
17 procedural defenses to shield the enterprise. This conduct rises to the level of  
18 state policy-level ratification of constitutional deprivations under color of law.

19  
20 Plaintiff seeks all remedies previously demanded, with additional relief and  
21 injunctive protection as appropriate against executive-branch misconduct  
22 under color of law. This amendment preserves all rights to pursue discovery,  
23 disqualification, and referral to federal oversight authorities.

24  
25 *This complaint challenges not state discretion, but the weaponization of sealed*  
26 *judicial process and taxpayer-funded litigation strategy to conceal structural*  
27 *fraud. The Constitution does not immunize concealment.*  
28

1 **Plaintiff demands trial by jury on all issues so triable.**

2  
3 **PRAYER FOR RELIEF**

4  
5 WHEREFORE, Plaintiff respectfully requests that this Court:

- 6 1. Enter declaratory judgment that Defendants Keith Ellison and Jeff  
7 Timmerman violated Plaintiff's constitutional rights under color of state law;
- 8 2. Enter injunctive relief barring the Minnesota Attorney General's Office from  
9 representing any defendant in matters involving sealed filings, custody  
10 determinations, or intake fraud involving Plaintiff;
- 11 3. Award compensatory and punitive damages for violations of §§ 1983, 1985(2),  
12 and 1986, in an amount to be determined at trial;
- 13 4. Order production of sealed original intake documents and more recent  
14 document (Index #312) for in camera review;
- 15 5. Refer this matter to the U.S. Department of Justice – Civil Rights Division  
16 and Public Integrity Section for investigation under 18 U.S.C. §§ 1503, 1346,  
17 and 241;
- 18 6. Award costs, sanctions, and such other and further relief as this Court deems  
19 just and proper.
- 20 7. Enjoin further use of sealed affidavits or protective orders in state proceedings  
21 unless subject to federal review;
- 22 8. Require public disclosure of all legal aid eligibility determinations and intake  
23 procedures associated with Michelle Cathleen Ybarra and Legal Assistance of  
24 Dakota County;

25  
26 Respectfully submitted,

27 **/s/ Steve Salvador Ybarra**

28 Steve Salvador Ybarra

1 Pro Se Litigant

2 California | Minnesota

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5 Footnotes (All citations to U.S.C. and Federal Rules unless otherwise noted)

6 1. Dennis v. Sparks, 449 U.S. 24, 28–29 (1980) (“Private persons, jointly engaged with state officials in the challenged  
7 action, are acting ‘under color’ of law for purposes of § 1983 actions.”).

8 2. Gomez v. Toledo, 446 U.S. 635, 640 (1980) (holding that a public official may be liable under § 1983 where they had  
9 knowledge of the violation and acquiesced in it).

10 3. Doe v. Rains Cty. Indep. Sch. Dist., 66 F.3d 1402, 1412 (5th Cir. 1995) (stating liability attaches when officials “knew  
11 of the abuse and failed to take appropriate action”).

12 4. Farmer v. Brennan, 511 U.S. 825, 842 (1994) (“Deliberate indifference entails something more than mere negligence...  
13 it is the equivalent of recklessly disregarding a known risk.”).

14 5. Trainor v. Hernandez, 431 U.S. 434, 446 (1977) (abstention is not warranted where state proceedings lack impartiality  
15 or are pursued in bad faith).

16 6. Pulliam v. Allen, 466 U.S. 522, 536 (1984) (affirming federal court jurisdiction to enjoin state judicial officers who  
17 violate constitutional rights).

18 7. Snell v. Tunnell, 920 F.2d 673, 701 (10th Cir. 1990) (holding that knowingly continuing to defend or conceal unlawful  
19 conduct after warning constitutes an overt act in a § 1983 conspiracy).

20 8. Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 887 (2009) (“Due process requires recusal where there is a serious risk  
21 of actual bias based on objective and reasonable perceptions.”).

22 9. Langford v. Norris, 614 F.3d 445, 461 (8th Cir. 2010) (holding that prison supervisors who fail to intervene in known  
23 constitutional violations are not entitled to qualified immunity).

24 10. Young v. City of Little Rock, 249 F.3d 730, 735 (8th Cir. 2001) (noting supervisors may be liable under § 1983 for  
25 deliberate indifference to constitutional misconduct).

26 11. Salinas v. United States, 522 U.S. 52, 63–65 (1997) (conspiracy liability under RICO requires only agreement to  
27 participate, not commission of predicate acts).

28 12. United States v. Turkette, 452 U.S. 576, 583 (1981) (RICO enterprise includes both legitimate and illegitimate

associations operating to commit racketeering acts).

13. United States v. Gonzalez-Perez, 870 F.3d 296, 305 (5th Cir. 2017) (holding that joining or covering up an ongoing RICO enterprise is sufficient for liability).

14. George v. Urban Settlement Servs., 833 F.3d 1242, 1251 (10th Cir. 2016) (RICO liability attaches where administrative processes are used to cover up fraud and suppress whistleblowers).

## CERTIFICATE OF SERVICE

I hereby certify that on **May 17, 2025**, I served a true and correct copy of the attached:

**FIRST AMENDED COMPLAINT FOR CONSTITUTIONAL VIOLATIONS  
UNDER 42 U.S.C. §§ 1983, 1985(2), 1986 AND CIVIL RICO,**

**SEEKING DECLARATORY RELIEF, INJUNCTIVE RELIEF, DAMAGES,  
AND FEDERAL OVERSIGHT**

upon the following parties by email and/or U.S. Mail:

- **Legal Assistance of Dakota County**

Email: admin@dakotalegal.org

- **Sharon Jones, Esq.**, in her individual and official capacities

Legal Assistance of Dakota County

Email: sjones@dakotalegal.org

- **Jeff Timmerman** he/him/his

Email: (confidential)

Tel: (Confidential)

- **Michelle Cathleen Ybarra**, Respondent

Email: shellbell@hotmail.com

This notice was served to all named parties via email where available and U.S. Mail where necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

Respectfully submitted,

/s/ **Steve Salvador Ybarra**

Pro Se Litigant



1 Steve@TheoryWerkx.com

2 (612) 544-4380

3 Executed May 17, 2025

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